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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: DA VINCI SURGICAL ROBOT
ANTITRUST LITIGATION

Lead Case No.: 3:21-cv-03825-VC

**DECLARATION OF DR. JAIME WONG IN
SUPPORT OF DEFENDANT INTUITIVE
SURGICAL'S STATEMENT IN SUPPORT OF
PLAINTIFFS' ADMINISTRATIVE MOTIONS
TO CONSIDER WHETHER ANOTHER
PARTY'S MATERIALS SHOULD BE
SEALED**

Judge: Hon. Vince Chhabria

THIS DOCUMENT RELATES TO:

ALL ACTIONS

SURGICAL INSTRUMENT SERVICE
COMPANY, INC.,

Plaintiff/Counter-Defendant,

vs.

INTUITIVE SURGICAL, INC.,

Defendant/Counter-
Plaintiff.

Case Nos. 3:21-cv-03496-VC; 3:21-CV-03825-VC

DECLARATION OF DR. JAIME WONG IN SUPPORT OF
DEFENDANT INTUITIVE'S STATEMENT SUPPORTING
ADMINISTRATIVE MOTION TO CONSIDER

CASE NO. 3:21-CV-03825-VC
CASE NO. 3:21-CV-03496-VC

I, DR. JAIME WONG, declare as follows:

1. My name is Dr. Jaime Wong. I am a Senior Vice President and Senior Medical Officer at Intuitive Surgical, Inc. (“Intuitive”). I have reviewed the material that Intuitive seeks to maintain under seal and that I understand was submitted in connection with Plaintiffs’ Motions for Partial Summary Judgment in *In re: da Vinci Surgical Robot Antitrust Litigation* (“*In re da Vinci*”), N.D. Cal., No. 3:21-cv-03825-VC, and *Surgical Instrument Service Company, Inc.* (“*SIS*”), N.D. Cal., No. 3:21-cv-03496-VC. I submit this declaration in support of sealing those materials. I am over eighteen years of age and am fully competent to make this declaration. The facts stated in this declaration are true and correct and are based upon my personal knowledge unless otherwise stated.

2. Intuitive designs and manufactures the da Vinci surgical systems, including da Vinci EndoWrist instruments. The design and manufacture of these systems were the culmination of many years of Intuitive’s research and development efforts. Intuitive invested thousands of hours devising test protocols, running tests, and otherwise developing both the EndoWrist instruments and the da Vinci Standard, S, Si, SP, X, and Xi da Vinci surgical systems.

3. Intuitive goes to great lengths to protect its engineering, research and development, testing, and technical information from competitors, potential competitors, and bad actors who could seek to misuse that information for improper purposes. Intuitive requires every employee to sign a confidentiality agreement. Proprietary information is disseminated internally only on a need-to-know basis. Employees are required to use passwords to access Intuitive files and other information security measures. Engineering areas are secured with key-cards, which are given only to authorized employees.

4. Intuitive has expended significant resources in research and development for core technology changes, information about which appears in the materials I have reviewed and that I understand have been filed in the documents reflected at the end of this paragraph. These documents discuss Intuitive’s exploration of core technology changes. Core technology changes involve multi-year investment cycles, and for competitive reasons, Intuitive does not publicly reveal details about them. If information about these projects were made public, Intuitive’s competitors would gain insight into

Intuitive's future business strategies and product design and could thereby adjust their own business strategies in response. That would harm Intuitive's competitive standing and result in potential loss of Intuitive's significant investments in research and design.

| Case | Document | Excerpt |
|-----------------------|---|---|
| <i>SIS</i> | SIS's Administrative Motion to Consider, Exhibit 16 (Intuitive-00671209 – Intuitive-00671220) | Page Intuitive-00671210, redacted portions. |
| <i>In re da Vinci</i> | Plaintiffs' Administrative Motion to Consider, Exhibit 1 | Page 14, redacted fn. 55 |
| <i>In re da Vinci</i> | Plaintiffs' Administrative Motion to Consider, Exhibit 42 (Intuitive-00029174) | Page Intuitive-00029174, redacted portions. |
| <i>In Re da Vinci</i> | Plaintiffs' Administrative Motion to Consider, Exhibit 68 (Intuitive-00560277 – Intuitive-00560390) | Pages containing redacted information: <ul style="list-style-type: none"> • Intuitive-00560281 • Intuitive-00560282 • Intuitive-00560291 • Intuitive-00560292 • Intuitive-00560294 • Intuitive-00560296 • Intuitive-00560298 • Intuitive-00560300 • Intuitive-00560302 • Intuitive-00560304 • Intuitive-00560306 • Intuitive-00560308 • Intuitive-00560310 • Intuitive-00560312 |

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| | | <ul style="list-style-type: none"> • Intuitive-00560314 • Intuitive-00560316 • Intuitive-00560318 • Intuitive-00560321 • Intuitive-00560323 • Intuitive-00560325 • Intuitive-00560327 • Intuitive-00560330 – Intuitive-00560332 • Intuitive-00560335 – Intuitive-00560338 • Intuitive-00560343 – Intuitive-00560344 • Intuitive-00560346 • Intuitive-00560350 – Intuitive-00560351 • Intuitive-00560356 • Intuitive-00560358 – Intuitive-00560362 • Intuitive-00560365 – Intuitive-00560369 • Intuitive-00560371 – Intuitive-00560378 • Intuitive-00560386 – Intuitive-00560387 • Intuitive-00560389 – Intuitive-00560390 |
| <i>In re da Vinci</i> | Plaintiffs' Administrative Motion to Consider, Exhibit 69 (Intuitive-00366044 – Intuitive-00366053) | <p>Pages Intuitive-00366046 – Intuitive-00366047, redacted portions.</p> <p>Pages Intuitive-00366051 – Intuitive-00366052, redacted portions.</p> |
| <i>In re da Vinci</i> | Plaintiffs' Administrative Motion to Consider, Exhibit 73 (Intuitive-00519980 – Intuitive-00520005) | Pages Intuitive-00520001 – Intuitive-00520002, redacted portions. |
| <i>In re da Vinci</i> | Plaintiffs' Administrative Motion to Consider, Exhibit 93 (Intuitive- | Page Intuitive-02038768, redacted portions. |

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| | 02038766 – Intuitive- 02038770) | |
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5. Intuitive has expended significant resources in developing certain proprietary products and processes, information about which appears in the materials I have reviewed and that I understand have been filed in the documents reflected at the end of this paragraph. Disclosure of this confidential information would result in unfair harm to Intuitive's business and harm Intuitive's competitive standing because Intuitive has made substantial investments in developing and manufacturing these procedures, protocols, and products, and making this information publicly available would enable competitors to use the information without making similar investments. The materials used in and processes and specifications used to manufacture Intuitive's EndoWrist instruments, Intuitive's internal testing and analysis of products, and the protocols, processes, and thresholds that have been developed and cleared for that testing, represent valuable information. Disclosure of this information could cause Intuitive competitive harm by allowing its competitors to short-cut and unfairly take advantage of information based on Intuitive's research and development to improve their products without making commensurate investments in their own research.

| Case | Document | Excerpt |
|------|--|---|
| SIS | SIS's Motion to consider Whether Another Party's Material Should Be Sealed, Exhibit 12 (Intuitive-02066979 – Intuitive-02067059) | Pages containing redacted information: <ul style="list-style-type: none"> • Intuitive-02066986 – Intuitive-02066988 • Intuitive-02066991 – Intuitive-02066996 • Intuitive-02066999 • Intuitive-02067001 – Intuitive-02067003 • Intuitive-02067005 – Intuitive-02067007 • Intuitive-02067012 – Intuitive-02067013 • Intuitive-02067018 – Intuitive-02067023 • Intuitive-02067030 – Intuitive-02067031 • Intuitive-02067035 – Intuitive-02067036 • Intuitive-02067051 – Intuitive-02067053 • Intuitive-02067056 – Intuitive-02067059 |
| SIS | SIS's Administrative Motion to | Page Intuitive-00671220, redacted portions. |

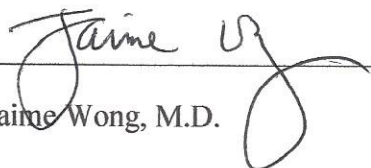
| | | |
|---------------------------|---|--|
| | Consider, Exhibit 16 (Intuitive- 00671209 – Intuitive- 00671220) | |
| <i>In re da Vinci</i> | Plaintiffs' Administrative Motion to Consider, Exhibit 44 (Intuitive- 00552697 – Intuitive- 00552715) | Pages Intuitive-00552706 – Intuitive-00552715, redacted portions |
| <i>In re da Vinci</i> | Plaintiffs' Administrative Motion to Consider, Exhibit 90 (Intuitive- 00552716 – Intuitive- 00552727) | Pages Intuitive-00552723 – Intuitive-00552727, redacted portions. |
| <i>In re da Vinci</i> | Plaintiffs' Administrative Motion to Consider, Exhibit 93 (Intuitive- 02038766 – Intuitive- 02038770) | Page Intuitive-02038767, redacted portions. |
| <i>In re da Vinci</i> | Plaintiffs' Administrative Motion to Consider, Exhibit 96 (Intuitive- 00552728 – Intuitive- 00552743) | Pages Intuitive-00552735 – Intuitive-00552741 and Intuitive-00552743, redacted portions. |

6. Certain sensitive and non-public financial information appears in the materials I have reviewed and that I understand have been filed in the documents reflected at the end of this paragraph. These documents contain confidential Intuitive financial information that Intuitive does not publicly report. Disclosure of this confidential information would result in unfair harm to Intuitive's business and harm Intuitive's competitive standing because it would give other parties insight into Intuitive's business and product performance and investments and use that competitive intelligence to further their own pricing or investment strategies without investing similar resources.

| Case | Document | Excerpt |
|-----------------------|---|---|
| <i>In re da Vinci</i> | Plaintiffs' Administrative Motion to Consider, Exhibit 12 (Intuitive-00067540 – Intuitive-00067547) | Page Intuitive-00067547, redacted portion |
| <i>In re da Vinci</i> | Plaintiffs' Administrative Motion to Consider, Exhibit 48 (Intuitive-01235518 – Intuitive-01235542) | Pages Intuitive-01235528 – Intuitive-01235533, redacted portions. Pages Intuitive-01235535 – Intuitive-01235542, redacted portions. |
| <i>In Re da Vinci</i> | Plaintiffs' Administrative Motion to Consider, Exhibit 68 (Intuitive-00560277 – Intuitive-00560390) | Pages containing redacted information: <ul style="list-style-type: none"> • Intuitive-00560293 • Intuitive-00560295 • Intuitive-00560297 • Intuitive-00560299 • Intuitive-00560301 • Intuitive-00560303 • Intuitive-00560305 • Intuitive-00560307 • Intuitive-00560309 • Intuitive-00560311 • Intuitive-00560313 |

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|-----------------------|---|---|
| | | <ul style="list-style-type: none"> • Intuitive-00560315 • Intuitive-00560317 • Intuitive-00560320 • Intuitive-00560322 • Intuitive-00560324 • Intuitive-00560326 • Intuitive-00560373 • Intuitive-00560386 |
| <i>In re da Vinci</i> | Plaintiffs' Administrative Motion to Consider, Exhibit 76 (Intuitive-00203904 – Intuitive-00203906) | Pages Intuitive-00203904 – Intuitive-00203905, redacted portions |
| <i>In re da Vinci</i> | Plaintiffs' Administrative Motion to Consider, Exhibit 97 (Intuitive-01265649 – Intuitive-01265809) | Pages containing redacted information: <ul style="list-style-type: none"> • Intuitive-01265652 – Intuitive-01265655 • Intuitive-01265657 – Intuitive-01265675 • Intuitive-01265677 – Intuitive-01265740 • Intuitive-01265742 – Intuitive-01265756 • Intuitive-01265759 – Intuitive-01265774 • Intuitive-01265776 – Intuitive-01265779 • Intuitive-01265781 – Intuitive-01265787 • Intuitive-01265789 • Intuitive-01265792 • Intuitive-01265794 – Intuitive-01265809 |

I declare under the laws of the United States that the foregoing is true and correct. Executed March 30, 2023.



 Jaime Wong, M.D.